

EXHIBIT B



Case Information Summary for Case Number
 2022-L-000397

Filing Date: 01/13/2022
 Division: Law Division
 Ad Damnum: \$0.00

Case Type: Motor Vehicle - Non Jury
 District: First Municipal
 Calendar: H

Party Information

Plaintiff(s)
 GARRETT, JULIUS C, III

Defendant(s)
 J.W.EXPRESS INC
 LGR TRUCKING INC
 SCHRODE, EDWARD D

Defendant Date of Service
 02/09/2022
 02/09/2022
 02/09/2022

Attorney(s)
 DICKER, STEVEN MICHAEL
Attorney(s)
 TERWILLIGER, MICHAEL T.
 TERWILLIGER, MICHAEL T.
 TERWILLIGER, MICHAEL T.

Case Activity

Activity Date: 01/13/2022 Participant:
 Personal Injury (Motor Vehicle) Complaint Filed

Activity Date: 01/13/2022 Participant:
 Summons Issued And Returnable

Activity Date: 01/13/2022 Participant:
 Summons Issued And Returnable

Activity Date: 01/13/2022 Participant:
 New Case Filing

Activity Date: 02/04/2022 Participant:
 Summons Served - Corporation/Company/Business

Activity Date: 02/09/2022 Participant: LGR TRUCKING INC
 Summons Served - Corporation/Company/Business
 Attorney: TERWILLIGER, MICHAEL T.

Activity Date: 02/24/2022 Participant:
 Affidavit Of Service Filed

Activity Date: 02/25/2022 Participant:
 Postcard Generated

Activity Date: 02/25/2022 Participant:
 Postcard Generated

Activity Date: 03/17/2022

Participant: GARRETT, JULIUS C, III

Case Continued For Case Management Conference - Allowed -

Date: 05/05/2022

Court Time: 0930

Court Room: 2209

Judge: EHRLICH, JOHN H

Attorney: DICKER, STEVEN MICHAEL

Activity Date: 03/17/2022

Participant:

Case Assigned to Zoom Hearing - Allowed

Activity Date: 05/06/2022

Participant:

Notice Of Motion Filed

Activity Date: 05/06/2022

Participant:

Motion Filed

Activity Date: 05/24/2022

Participant:

Appearance Filed - Fee Paid -

Activity Date: 05/24/2022

Participant:

Notice Of Filing Filed

Activity Date: 05/26/2022

Participant:

Certificate Of Mailing Filed

Activity Date: 05/26/2022

Participant: GARRETT, JULIUS C, III

Case Continued For Case Management Conference - Allowed -

Date: 09/26/2023

Court Time: 1000

Court Room: 2209

Judge: EHRLICH, JOHN H

Attorney: DICKER, STEVEN MICHAEL

Activity Date: 06/14/2022

Participant:

Certificate Of Mailing Filed

Activity Date: 06/14/2022

Participant:

Answer And Copy Filed

Activity Date: 06/21/2022

Participant:

Response / Reply - Filed

Activity Date: 06/21/2022

Participant:

Notice Of Motion Filed

Activity Date: 06/21/2022

Participant:

Notice Of Filing Filed

Activity Date: 06/27/2022

Participant: J.W.EXPRESS INC

Add An Additional Defendant - Allowed -

Judge: EHRLICH, JOHN H

Attorney: TERWILLIGER, MICHAEL T.

Activity Date: 06/27/2022

Participant: GARRETT, JULIUS C, III

Issue Writ - Allowed -

Judge: EHRLICH, JOHN H

Attorney: DICKER, STEVEN MICHAEL

Activity Date: 06/27/2022

Participant: GARRETT, JULIUS C, III

Amend Complaint Or Petition - Allowed -

Judge: EHRLICH, JOHN H

Attorney: DICKER, STEVEN MICHAEL

Activity Date: 06/30/2022

Participant:

Appearance Filed - Fee Paid -

Activity Date: 06/30/2022

Participant:

Amended Complaint Filed

Activity Date: 06/30/2022

Participant:

Notice Of Filing Filed

Activity Date: 06/30/2022

Participant:

Notice Of Filing Filed

Activity Date: 07/06/2022

Participant:

Answer And Copy Filed

Activity Date: 07/11/2022

Participant:

Response / Reply - Filed

Activity Date: 07/11/2022

Participant:

Notice Of Filing Filed

[Back to Top](#)

Please note: Neither the Circuit Court of Cook County nor the Clerk of the Circuit Court of Cook County warrants the accuracy, completeness, or the currency of this data. This data is not an official record of the Court or the Clerk and may not be represented as an official court record.

If data does not appear in a specific field, we likely do not have the responsive data in our master database.

FILED
1/13/2022 10:43 AM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
16283299

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

JULIUS C. GARRETT, III.,) 2022L000397
) No.
Plaintiff,)
)
vs.) Hearing Date: 3/17/2022 9:30 AM
)
LGR TRUCKING INC. and)
EDWARD D. SCHRODE,)
)
Defendants.)

COMPLAINT AT LAW

NOW COMES the Plaintiff, JULIUS C. GARRETT, III., by his attorneys, DICKER DICKER AND RUIZ, and complaining of the Defendants, LGR TRUCKING INC. and EDWARD D. SCHRODE, and each of them, states as follows:

1. That on February 14, 2020, and at all times relevant hereto, 162nd Street was a public roadway running in an easterly and westerly direction in the City of South Holland, County of Cook and State of Illinois.
2. That on February 14, 2020, and at all times relevant hereto, the Plaintiff, JULIUS C. GARRETT, III., operated a motor vehicle in a westerly direction on 162nd Street at or near the I-94 Overpass, in the City of South Holland, County of Cook and State of Illinois.
3. That on February 14, 2020, and at all times relevant hereto, the Defendant, LGR TRUCKING INC., owned a motor vehicle that was traveling in a westerly direction on 162nd Street at or near the I-94 Overpass, in the City of South Holland, County of Cook and State of Illinois.
3. That on February 14, 2020, and at all times relevant hereto the Defendant, EDWARD D. SCHRODE, operated a motor vehicle which was traveling in a westerly direction on 162nd Street at or near the I-94 Overpass, in the City of South Holland, County of Cook and State of Illinois.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

FILED
1/13/2022 10:43 AM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
16283299

JULIUS C. GARRETT, III.,) 2022L000397
vs.) No.
Plaintiff,)
vs.)
LGR TRUCKING INC. and)
EDWARD D. SCHRODE,)
Defendants.)
Hearing Date: 3/17/2022 9:30 AM

COMPLAINT AT LAW

NOW COMES the Plaintiff, JULIUS C. GARRETT, III., by his attorneys, DICKER DICKER AND RUIZ, and complaining of the Defendants, LGR TRUCKING INC. and EDWARD D. SCHRODE, and each of them, states as follows:

1. That on February 14, 2020, and at all times relevant hereto, 162nd Street was a public roadway running in an easterly and westerly direction in the City of South Holland, County of Cook and State of Illinois.
2. That on February 14, 2020, and at all times relevant hereto, the Plaintiff, JULIUS C. GARRETT, III., operated a motor vehicle in a westerly direction on 162nd Street at or near the I-94 Overpass, in the City of South Holland, County of Cook and State of Illinois.
3. That on February 14, 2020, and at all times relevant hereto, the Defendant, LGR TRUCKING INC., owned a motor vehicle that was traveling in a westerly direction on 162nd Street at or near the I-94 Overpass, in the City of South Holland, County of Cook and State of Illinois.
3. That on February 14, 2020, and at all times relevant hereto the Defendant, EDWARD D. SCHRODE, operated a motor vehicle which was traveling in a westerly direction on 162nd Street at or near the I-94 Overpass, in the City of South Holland, County of Cook and State of Illinois.

Hearing Date: No hearing scheduled

Location: <<CourtRoomNumber>>

Judge: Calendar H

FORM BCA-5.25 (rev. Dec. 2014)

AFFIDAVIT OF COMPLIANCE**FOR SERVICE ON SECRETARY OF STATE**

Business Corporation Act

Department of Business Services
 501 S. Second St., Rm. 350
 Springfield, IL 62756
 217-782-6861
 www.llsos.gov

FILED

FEB 15 2022

JESSE WHITE
SECRETARY OF STATE

FILED

2/24/2022 1:45 PM

IRIS Y. MARTINEZ

CIRCUIT CLERK

COOK COUNTY, IL

2022L000397

Calendar, H

16839022

Payment must be made by check or money
 order payable to Secretary of State.

Filing Fee: \$10

File #: 98061797Approved: SC

Submit in duplicate Type or Print clearly in black ink Do not write above this line

1. Title and Number of Case:

Julius C. Marlett, III
 v.
L&L Trucking Inc.

first named plaintiff

first named defendant

Number: 22 L 0003972. Name of corporation being served: L&L Trucking Inc.3. Title of court in which an action, suit or proceeding has been commenced: Cook County, Illinois4. Title of instrument being served: SUMMONS

5. Basis for service on the Secretary of State: (check and complete appropriate box)

a. The corporation's registered agent cannot with reasonable diligence be found at the registered office of record in Illinois.

b. The corporation has failed to appoint and maintain a registered agent in Illinois.

c. The corporation was dissolved on _____, _____; the conditions of paragraphs (a) or (b) above exist; and the action, suit or proceeding has been instituted against or has affected the corporation within five (5) years thereafter.

d. The corporation's authority to transact business in Illinois has been withdrawn/revoked (circle one) on _____, _____.

Month Day Year

e. The corporation is a foreign corporation that has transacted business in Illinois without procuring authority, contrary to the provisions of the Business Corporation Act of 1983.

6. Address to which the undersigned will cause a copy of the attached process, notice or demand to be sent by certified or registered mail: 2735 Soling Grove Avenue, Cincinnati, OH 45225

7. The undersigned affirms, under penalties of perjury, that the facts stated herein are true, correct and complete.

I doFebruary 112022

Signature of Affiant

Month Day

Year

312) 853-3485

Telephone Number

Return to (please type or print clearly):

Dickie, Dickie & Ruiz

Name

300 W. Adams, Suite 330

Street

Chicago IL 60601

City/Town

State

Zip

32120 - Served
 2220 - Not Served
 2320 - Served By Mail
 2420 - Served By Publication
SUMMONS

2121 - Served
 2221 - Not Served
 2321 - Served By Mail
 2421 - Served By Publication
ALIAS - SUMMONS

(Rev. 5/1/92) CCG-1

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW DIVISION**

JULIUS C. GARRETT, III.,	)	2022L000397
	)	No.
vs.)	
LGR TRUCKING INC. and	)	PLEASE SERVE:
EDWARD D. SCHRODE,	)	LGR TRUCKING INC.
Defendants.	)	c/o Office of the Secretary of State
	)	17 N. State Street, 12th Floor
	)	Chicago, Illinois 60602
	)	LGR TRUCKING INC.
	)	2735 Spring Grove Avenue
	)	Cincinnati, Ohio 45225

SUMMONS

To each defendant: **LGR TRUCKING INC. c/o Office of the Secretary of State**

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file appearance, in the office of the Clerk of this Court (located in the Richard J. Daley Center, Room *801, Chicago, Illinois 60602) within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

E-Filing is now mandatory for documents in civil cases with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit <https://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit <http://www.illinoiscourts.gov/FAQ/gethelp.asp> or talk with your local circuit clerk's office.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

WITNESS,....., 2022
 1/13/2022 10:43 AM IRIS Y. MARTINEZ

Name: Steven M. Dicker
 Attorney for Plaintiff
 Address: 300 W. Adams St., Suite 330
 City: Chicago, Illinois 60606
 Telephone: (312) 853-3485
 Atty No: 52742

Date of service:....., 2022



IRIS Y. MARTINEZ, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

*Law Division Room 801
 Chancery-Divorce Division Room 802
 County Division Room 801
 Probate Division Room 1202

4. That at all times relevant hereto, the Defendant, EDWARD D. SCHRODE, was an agent, servant and/or employee of the Defendant, LGR TRUCKING INC.

5. That at the time and place aforesaid, the vehicle which was operated by the Defendant, EDWARD D. SCHRODE, and owned by the Defendant, LGR TRUCKING INC., collided with the vehicle operated by the Plaintiff, JULIUS C. GARRETT, III.

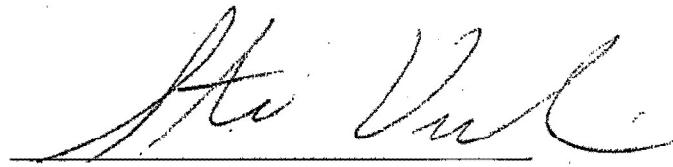
6. That at all times relevant hereto, the Defendants, LGR TRUCKING INC. and EDWARD D. SCHRODE, and each of them, were under a duty to exercise reasonable care in the ownership and operation of their motor vehicle so as to not cause injuries and damage to persons and property in the vicinity.

7. That at the time and place aforesaid, the Defendants, LGR TRUCKING INC. and EDWARD D. SCHRODE, and each of them, breached the aforesaid duty in one or more of the following respects:

- a. Changed lanes when it was unsafe to do so;
- b. Changed lanes without activating his turn signal;
- c. Failed to keep a proper lookout for other vehicles on the roadway;
- d. Failed to keep their vehicle under control;
- e. Traveled at an excessive rate of speed;
- f. Traveled at a rate of speed that was too fast for weather and traffic conditions;
- g. Failed to adequately and properly maintain their vehicle in a safe condition;
- h. Were otherwise careless and negligent.

8. That as a direct and proximate result of one or more of the foregoing wrongful acts or omissions of the Defendants, LGR TRUCKING INC. and EDWARD D. SCHRODE, the Plaintiff, JULIUS C. GARRETT, III., was then and there injured, both internally and externally and was caused to and did undergo great pain and discomfort, disfigurement and physical impairment, all of which injuries are permanent; and that he has been and will in the future be kept from attending to his ordinary affairs and duties, and has become liable for large sums of money for medical treatment.

WHEREFORE, the Plaintiff, JULIUS C. GARRETT, III., prays for judgment against the Defendants, LGR TRUCKING INC. and EDWARD D. SCHRODE, in an amount in excess of THIRTY THOUSAND DOLLARS (\$30,000.00) plus interest and costs of this suit.



STEVEN M. DICKER
Attorney for Plaintiff

DICKER DICKER & RUIZ #52742
300 W. Adams Street
Suite 330
Chicago, Illinois 60606
(312) 853-3485

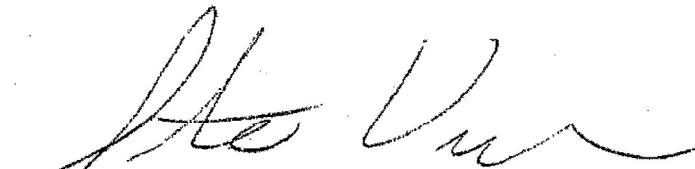
FILED
1/13/2022 10:43 AM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

JULIUS C. GARRETT, III.,)
Plaintiff,) No. 2022L000397
vs.)
LGR TRUCKING INC. and)
EDWARD D. SCHRODE,)
Defendants.)

AFFIDAVIT PURSUANT TO SUPREME COURT RULE 222

I, STEVEN M. DICKER, attorney for the Plaintiff, state that the amount of money damages sought exceeds \$50,0000.00.



STEVEN M. DICKER
Attorney for Plaintiff

DICKER DICKER & RUIZ-#52742
300 West Adams Street
Suite 330
Chicago, Illinois 60606
(312) 853-3485

Hearing Date: No hearing scheduled

Location: <<CourtRoomNumber>>

Judge: Calendar H

FORM BCA-5.25 (rev. Dec. 2014)

**AFFIDAVIT OF COMPLIANCE
FOR SERVICE ON SECRETARY OF STATE**
Business Corporation Act

 Department of Business Services
 501 S. Second St., Rm. 350
 Springfield, IL 62756
 217-782-6861
 www.ilaos.gov
FILED

FEB 15 2022

JESSE WHITE
SECRETARY OF STATE
 FILED
 2/24/2022 1:45 PM
 IRIS Y. MARTINEZ
 CIRCUIT CLERK
 COOK COUNTY, IL
 2022L000397
 Calendar, H
 16839022
Payment must be made by check or money
order payable to Secretary of State.

Filing Fee: \$10

File #: 98061797Approved: SC

Submit in duplicate

Type or Print clearly in black ink

Do not write above this line

1. Title and Number of Case:

Julius C. Marich, III

first named plaintiff

v.
LGL Trucking Inc.

first named defendant

Number: 22 L 0003972. Name of corporation being served: LGL Trucking Inc.3. Title of court in which an action, suit or proceeding has been commenced: Cook County, Illinois4. Title of instrument being served: SUMMONS

5. Basis for service on the Secretary of State: (check and complete appropriate box)

a. The corporation's registered agent cannot with reasonable diligence be found at the registered office of record in Illinois.

b. The corporation has failed to appoint and maintain a registered agent in Illinois.

c. The corporation was dissolved on _____, _____; the conditions of paragraphs (a) or (b) above exist; and the action, suit or proceeding has been instituted against or has affected the corporation within five (5) years thereafter.

d. The corporation's authority to transact business in Illinois has been withdrawn/revoked (circle one) on _____

e. The corporation is a foreign corporation that has transacted business in Illinois without procuring authority, contrary to the provisions of the Business Corporation Act of 1983.

6. Address to which the undersigned will cause a copy of the attached process, notice or demand to be sent by certified or registered mail: 2735 Spring Grove Avenue, Cincinnati, OH 45225

7. The undersigned affirms, under penalties of perjury, that the facts stated herein are true, correct and complete.

I doFebruary 112022

Signature of Affiant

(312) 853-3485

Month Day

Year

Telephone Number

Return to (please type or print clearly):

Dickel Dickey & Ruiz

Name

300 W. Adams, Suite 330

Street

ChicagoIL 60606

City/Town

State Zip

Printed by authority of the State of Illinois. January 2015 -- 1 -- C 213.11

32120 - Served
 2220 - Not Served
 2320 - Served By Mail
 2420 - Served By Publication
SUMMONS

2121 - Served
 2221 - Not Served
 2321 - Served By Mail
 2421 - Served By Publication
ALIAS - SUMMONS

(Rev. 5/1/92) CCG-1

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW DIVISION**

JULIUS C. GARRETT, III.,	)	2022L000397
	)	No.
Plaintiff,	)	PLEASE SERVE:
vs.	)	LGR TRUCKING INC.
LGR TRUCKING INC. and	)	c/o Office of the Secretary of State
EDWARD D. SCHRODE,	)	17 N. State Street, 12th Floor
	)	Chicago, Illinois 60602
Defendants.	)	LGR TRUCKING INC.
	)	2735 Spring Grove Avenue
	)	Cincinnati, Ohio 45225

SUMMONS

To each defendant: **LGR TRUCKING INC. c/o Office of the Secretary of State**

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file appearance, in the office of the Clerk of this Court (located in the Richard J. Daley Center, Room *801, Chicago, Illinois 60602) within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

E-Filing is now mandatory for documents in civil cases with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit <https://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit <http://www.illinoiscourts.gov/FAO/gethelp.asp> or talk with your local circuit clerk's office.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

WITNESS....., 2022
 1/13/2022 10:43 AM IRIS Y. MARTINEZ

Name: Steven M. Dicker
 Attorney for Plaintiff
 Address: 300 W. Adams St., Suite 330
 City: Chicago, Illinois 60606
 Telephone: (312) 853-3485
 Atty No: 52742

Date of service:....., 2022



IRIS Y. MARTINEZ, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

*Law Division Room 801

Chancery-Divorce Division Room 802

County Division Room 801

Probate Division Room 1202



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

February 23, 2022

Dicker and Dicker
300 W. Adams St., Ste. 330
Chicago, IL 60606

Dear Sir or Madam:

Copies of Summons(es), Complaint(s) at Law, and Affidavit(s) of Compliance with proper fee(s) have been received on the following:

Julius C. Garrett, III v. Edward D. Schrode, #22 L 397, Fee \$5.00

Service has been accepted on 2/22/2022 in compliance with the provisions of 625 ILCS 5/10-301. All inquiries should be made to (312) 814-3154.

Sincerely,

Jesse White

Jesse White
Secretary of State

JW:ae
Enclosure

32120 - Served
 2220 - Not Served
 2320 - Served By Mail
 2420 - Served By Publication
SUMMONS

2121 - Served
 2221 - Not Served
 2321 - Served By Mail
 2421 - Served By Publication
ALIAS - SUMMONS

(Rev. 5/1/92) CCG-1

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW DIVISION**

JULIUS C. GARRETT, III,

2022L000397

FEB 23 2022

Plaintiff,

PLEASE SERVE:

AMT 44-00

vs.

EDWARD D. SCHRODE

LGR TRUCKING INC. and
 EDWARD D. SCHRODE,

c/o Office of the Secretary of State
 17 N. State Street, 12th Floor
 Chicago, Illinois 60602

Defendants.

EDWARD D. SCHRODE
 10745 Anna Lane
 Independence, Kentucky 41051

SUMMONS

To each defendant: **EDWARD D. SCHRODE c/o Office of the Secretary of State**

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file appearance, in the office of the Clerk of this Court (located in the Richard J. Daley Center, Room #801, Chicago, Illinois 60602) within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

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This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

WITNESS,....., 2022
 1/13/2022 10:43 AM IRIS Y. MARTINEZ

Name: Steven M. Dicker
 Attorney for Plaintiff
 Address: 300 W. Adams St., Suite 330
 City: Chicago, Illinois 60606
 Telephone: (312) 853-3485
 Atty No: 52742

Date of service:....., 2022



IRIS Y. MARTINEZ, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

*Law Division Room 801
 Chancery-Divorce Division Room 802
 County Division Room 801
 Probate Division Room 1202

FEB 03 2022



Affidavit of Compliance for Service of Process on Non-resident

To effect service: please serve the Office of the Secretary of State with 2 copies of the summons, 1 copy of the complaint, and a fully executed Affidavit of Compliance. Fee: \$5.

Pursuant to Section 10-301 of the Illinois Vehicle Code (Chapter 625, Section 5/10-301, Illinois Compiled Statutes, Service of Process on Non-resident), the undersigned states that:

1. I am (plaintiff/attorney for plaintiff) in the following named case:

Julius C. Maxell, III vs. Edward D. Simode No. 22 L 000397
 First Named Plaintiff Defendant to be Served

2. This cause of action arises from the use and operation, by the defendant to be served or his duly authorized agent or employee, of a vehicle over or upon the highways of the State of Illinois, which resulted in damage or loss to the person or property of (the undersigned/client of the undersigned). (Strike inapplicable term.)
3. The defendant to be served through the Secretary of State falls under one of the following: (check appropriate box)
 - At the time of the accident the defendant was and remains a non-resident of this state, or
 - Was a resident of this state at the time the cause of action arose but has subsequently become a non-resident of this state, or
 - At the time the cause of action arose, the vehicle was owned by a non-resident and was being operated over and upon the highways of this state with the owner's express or implied permission.
4. The undersigned makes this affidavit for the purpose of inducing the Secretary of State to accept service of process on behalf of the named defendant herein according to the provisions of Section 10-301 of the Illinois Vehicle Code. These provisions are applicable to the instant proceeding. The undersigned has complied with and will continue to comply with all of the requirements of said Section. Further, these provisions require notice of such service and a copy of the process to be sent by registered mail within 10 days by the plaintiff to the defendant at his/her last known address, with the plaintiff's Affidavit of Compliance appended to the summons.
5. The undersigned is aware that any person instituting any action, suit or proceeding who uses Section 10-301 of the Illinois Vehicle Code to effect service of process, shall be liable for attorney's fees and costs of the defendant if the court finds that the person instituting the action knew or should have known that this section is not applicable for effecting service in such action.

The undersigned affirms, under penalties of perjury, that the facts stated herein are true.

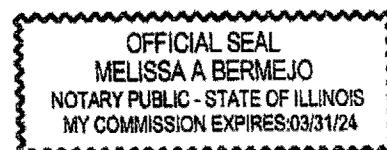
JL Van
 Signature of Affiant

1/13/22

Date

Subscribed before me this 1242 day of January, 2022.

Melissa A. Bermejo
 Notary Public



5/6/2022 10:49 AM
 IRIS Y. MARTINEZ
 CIRCUIT CLERK
 COOK COUNTY, IL
 2022L000397
 Calendar, H
 17795543

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW DIVISION**

JULIUS C. GARRETT, III,)
 Plaintiff,) No. 22 L 000397
 vs.)
 LGR TRUCKING INC. and)
 EDWARD D. SCHRODE,)
 Defendants.)

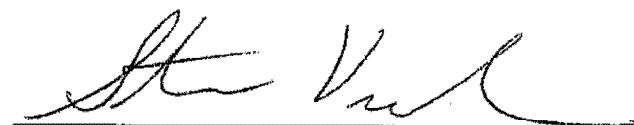
NOTICE OF MOTION

TO: **BY CERTIFIED & REGULAR MAIL** **BY CERTIFIED & REGULAR MAIL**
 LGR Trucking Inc. Mr. Edward D. Schröde
 2735 Spring Grove Avenue 160 Seneca Trail
 Cincinnati, Ohio 45225 Elsmere, Kentucky 41018

On the 8th day of June, 2022, at 9:00 a.m. I shall electronically submit the attached: Motion for Default to the Honorable John Ehrlich via email address: LAW.CALHcc@cookcountyil.gov.

To respond or object to this Motion, please email response or objection to LAW.CALHcc@cookcountyil.gov after 10:00 a.m. on the date set forth above, with a cc to all attorneys of record as listed here: sdicker@dickerlaw.net

If no response or objection is emailed before 4:00 p.m. on the date set forth above, the Court will rule on the Motion and enter an order.

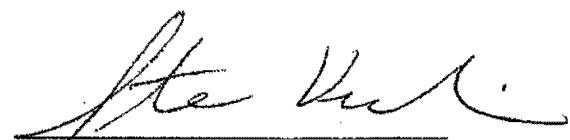


Steven M. Dicker
 Attorney for Plaintiff

DICKER DICKER & RUIZ-#52742
300 West Adams Street
Suite 330
Chicago, Illinois 60606
(312) 853-3485

PROOF OF SERVICE

Under penalties as provided by Section 1-109 of the Illinois Code of Civil Procedure, I, STEVEN M. DICKER, state that I served the above notice by mail by placing a copy in an envelope properly addressed, sealed, stamped and placing said envelope into a U.S. Mail box in the City of Chicago on the 14th day of May, 2022.



STEVEN M. DICKER

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

JULIUS C. GARRETT, III.,)
Plaintiff,)
vs.)
LGR TRUCKING INC. and)
EDWARD D. SCHRODE,)
Defendants.)
No. 22 L 000397

MOTION FOR DEFAULT

NOW COMES the Plaintiff, JULIUS C. GARRETT, III., by his attorneys, DICKER DICKER & RUIZ, and moves this Honorable Court for the entry of an Order of Default against the Defendants, LGR TRUCKING INC. and EDWARD D. SCHRODE, and to have this matter set for prove-up of damages. In support hereof, Plaintiff states as follows:

1. That Plaintiff has filed the instant action to recover for injuries sustained in a motor vehicle accident on January 13, 2022.
2. That on February 15, 2022, the Defendant, LGR TRUCKING INC., was served through the Secretary of State. (See attached Affidavit of Service)
3. That on February 22, 2022, the Defendant, EDWARD D. SCHRODE, was served through the Secretary of State. (See attached Affidavit of Service)
4. That to date, the Defendants, LGR TRUCKING INC. and EDWARD D. SCHRODE, have failed to file their appearance or otherwise respond to the allegations of the Plaintiff's complaint.

WHEREFORE, the Plaintiff, JULIUS C. GARRETT, III., prays for the entry of an Order of Default against the Defendants, LGR TRUCKING INC. and EDWARD D. SCHRODE, and that this cause be set for prove-up of damages on a date certain. *8/1/2017*

certain. 

Steven M. Dicker
Attorney for Plaintiff

DICKER DICKER & RUIZ #52742
300 West Adams Street
Suite 330
Chicago, Illinois 60606
(312) 853-3485

Hearing Date: No hearing scheduled

Location: <<CourtRoomNumber>>

Judge: Calendar H

FORM BCA-5.25 (rev. Dec. 2014)

AFFIDAVIT OF COMPLIANCE

FOR SERVICE ON SECRETARY OF STATE

Business Corporation Act

Department of Business Services
501 S. Second St., Rm. 350
Springfield, IL 62756
217-782-6961
www.llsos.gov

FILED

FEB 15 2022

JESSE WHITE
SECRETARY OF STATE

FILED

2/24/2022 1:45 PM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2022L000397
Calendar, H
16839022

Payment must be made by check or money
order payable to Secretary of State.

Filing Fee: \$10

File #: 98061797Approved: SC

Submit in duplicate

Type or Print clearly in black ink

Do not write above this line

1. Title and Number of Case:

Julius C. Marich, III

first named plaintiff

v.
LAL TRUCKING INC.

first named defendant

Number: 22 L 0003972. Name of corporation being served: LAL TRUCKING INC.3. Title of court in which an action, suit or proceeding has been commenced: COOK COUNTY, ILLINOIS4. Title of instrument being served: SUMMONS

5. Basis for service on the Secretary of State: (check and complete appropriate box)

- a. The corporation's registered agent cannot with reasonable diligence be found at the registered office of record in Illinois.
- b. The corporation has failed to appoint and maintain a registered agent in Illinois.
- c. The corporation was dissolved on _____, _____; the conditions of paragraphs (a) or (b) above exist; and the action, suit or proceeding has been instituted against or has affected the corporation within five (5) years thereafter.
- d. The corporation's authority to transact business in Illinois has been withdrawn/revoked (circle one) on _____

Month Day Year

- e. The corporation is a foreign corporation that has transacted business in Illinois without procuring authority, contrary to the provisions of the Business Corporation Act of 1983.

6. Address to which the undersigned will cause a copy of the attached process, notice or demand to be sent by certified or registered mail: 2735 SPRING GROVE AVENUE, CINCINNATI, OH 45225

7. The undersigned affirms, under penalties of perjury, that the facts stated herein are true, correct and complete.

I doFebruary 112022

Signature of Affiant

(312) 853-3485

Month Day

Year

Telephone Number

Return to (please type or print clearly):

Dickey Dickey & Ruiz

Name

300 W. Adams, Suite 330

Street

ChicagoIL 60606

City/Town

State Zip

Printed by authority of the State of Illinois. January 2015 — 1 — C 213.11

32120 - Served	2121 - Served
2220 - Not Served	2221 - Not Served
2320 - Served By Mail	2321 - Served By Mail
2420 - Served By Publication	2421 - Served By Publication
SUMMONS	ALIAS - SUMMONS

(Rev. 5/1/92) CCG-1

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

JULIUS C. GARRETT, III.,	)	No. 2022L000397
)	
Plaintiff,	)	PLEASE SERVE:
	)	LGR TRUCKING INC.
vs.	)	c/o Office of the Secretary of State
LGR TRUCKING INC. and	)	17 N. State Street, 12th Floor
EDWARD D. SCHRODE,	)	Chicago, Illinois 60602
	)	LGR TRUCKING INC.
Defendants.	)	2735 Spring Grove Avenue
	)	Cincinnati, Ohio 45225

SUMMONS

To each defendant: **LGR TRUCKING INC. c/o Office of the Secretary of State**

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file appearance, in the office of the Clerk of this Court (located in the Richard J. Daley Center, Room *801, Chicago, Illinois 60602) within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

E-Filing is now mandatory for documents in civil cases with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit <https://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit <http://www.illinoiscourts.gov/FAO/gethelp.asp> or talk with your local circuit clerk's office.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

WITNESS,....., 2022
1/13/2022 10:43 AM IRIS Y. MARTINEZ

Name: Steven M. Dicker
Attorney for Plaintiff
Address: 300 W. Adams St., Suite 330
City: Chicago, Illinois 60606
Telephone: (312) 853-3485
Atty No: 52742

Date of service:....., 2022



IRIS Y. MARTINEZ, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

*Law Division Room 801
Chancery-Divorce Division Room 802
County Division Room 801
Probate Division Room 1202



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

February 23, 2022

Dicker and Dicker
300 W. Adams St., Ste. 330
Chicago, IL 60606

Dear Sir or Madam:

Copies of Summons(es), Complaint(s) at Law, and Affidavit(s) of Compliance with proper fee(s) have been received on the following:

Julius C. Garrett, III v. Edward D. Schrode, #22 L 397, Fee \$5.00

Service has been accepted on 2/22/2022 in compliance with the provisions of 625 ILCS 5/10-301. All inquiries should be made to (312) 814-3154.

Sincerely,

Jesse White

Jesse White
Secretary of State

JW:ae

Enclosure

32120 - Served
 2220 - Not Served
 2320 - Served By Mail
 2420 - Served By Publication
SUMMONS

2121 - Served
 2221 - Not Served
 2321 - Served By Mail
 2421 - Served By Publication
ALIAS - SUMMONS

(Rev. 5/1/92) CCG-1

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW DIVISION**

JULIUS C. GARRETT, III,

2022L000397

No.

FEB 29 2022

Plaintiff,

PLEASE SERVE:**EDWARD D. SCHRODE**c/o Office of the Secretary of State
 17 N. State Street, 12th Floor
 Chicago, Illinois 60602

vs.

LGR TRUCKING INC. and
 EDWARD D. SCHRODE,**EDWARD D. SCHRODE**

Defendants.

10745 Anna Lane

Independence, Kentucky 41051

SUMMONSTo each defendant: **EDWARD D. SCHRODE c/o Office of the Secretary of State**

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file appearance, in the office of the Clerk of this Court (located in the Richard J. Daley Center, Room *801, Chicago, Illinois 60602) within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

E-Filing is now mandatory for documents in civil cases with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit <https://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit <http://www.illinoiscourts.gov/FAQ/gethelp.asp> or talk with your local circuit clerk's office.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

WITNESS,....., 2022
 1/13/2022 10:43 AM IRIS Y. MARTINEZ

Name: Steven M. Dicker
 Attorney for Plaintiff
 Address: 300 W. Adams St., Suite 330
 City: Chicago, Illinois 60606
 Telephone: (312) 853-3485
 Atty No: 52742

Date of service:....., 2022



IRIS Y. MARTINEZ, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 *Law Division Room 801

Chancery-Divorce Division Room 802
 County Division Room 801
 Probate Division Room 1202

FEB 03 2022



Affidavit of Compliance for Service of Process on Non-resident

To effect service: please serve the Office of the Secretary of State with 2 copies of the summons, 1 copy of the complaint, and a fully executed Affidavit of Compliance. Fee: \$5.

Pursuant to Section 10-301 of the Illinois Vehicle Code (Chapter 625, Section 5/10-301, Illinois Compiled Statutes, Service of Process on Non-resident), the undersigned states that:

1. I am (plaintiff/attorney for plaintiff) in the following named case:

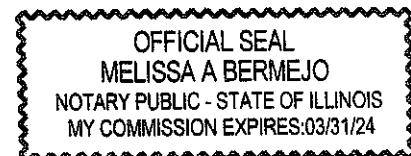
2. This cause of action arises from the use and operation, by the defendant to be served or his duly authorized agent or employee, of a vehicle over or upon the highways of the State of Illinois, which resulted in damage or loss to the person or property of (the undersigned/client of the undersigned). (Strike inapplicable term.)
3. The defendant to be served through the Secretary of State falls under one of the following: (check appropriate box)
 - a) At the time of the accident the defendant was and remains a non-resident of this state, or
 - b) Was a resident of this state at the time the cause of action arose but has subsequently become a non-resident of this state, or
 - c) At the time the cause of action arose, the vehicle was owned by a non-resident and was being operated over and upon the highways of this state with the owner's express or implied permission.
4. The undersigned makes this affidavit for the purpose of inducing the Secretary of State to accept service of process on behalf of the named defendant herein according to the provisions of Section 10-301 of the Illinois Vehicle Code. These provisions are applicable to the instant proceeding. The undersigned has complied with and will continue to comply with all of the requirements of said Section. Further, these provisions require notice of such service and a copy of the process to be sent by registered mail within 10 days by the plaintiff to the defendant at his/her last known address, with the plaintiff's Affidavit of Compliance appended to the summons.
5. The undersigned is aware that **any person instituting any action**, suit or proceeding who uses Section 10-301 of the Illinois Vehicle Code to effect service of process, **shall be liable for attorney's fees and costs** of the defendant if the court finds that the person instituting the action knew or should have known that this section is not applicable for effecting service in such action.

The undersigned affirms, under penalties of perjury, that the facts stated herein are true.

St. Paul 11/13/22

Subscribed before me this 1st day of January 2023

Mrs. A. Brey
Notary Public



Attorney No. 49358

**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, LAW DIVISION**

FILED
5/24/2022 9:48 AM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2022L000397
Calendar, H
18017279

JULIUS C. GARRETT, III,

)

Plaintiff,

)

v.

)

LGR TRUCKING INC, and
EDWARD D. SCHRODE,

)

Defendants.

)

)

Case No.: 2022 L 000397

Calendar H

NOTICE OF FILING

TO: Steven M. Dicker, Esq.
DICKER DICKER & RUIZ
sdicker@dickerlaw.net

PLEASE TAKE NOTICE that on May 24, 2022, I have filed with the Circuit Court of Cook County, Richard J. Daley Center, 50 West Washington Street, Chicago, Illinois 60602, APPEARANCE FOR DEFENDANTS LGR TRUCKING INC and EDWARD D. SCHRODE.

Respectfully submitted,

WHITTEN LAW OFFICE LLC

/s/Michael T. Terwilliger

Michael T. Terwilliger
Counsel for Defendants

Michael T. Terwilliger, ARDC#6244004
WHITTEN LAW OFFICE LLC
450 Vale Park Road
Valparaiso, Indiana 46385
(219) 531-6719 Telephone
(219) 531-6471 Facsimile
mterwilliger@indycounsel.com

CERTIFICATE OF SERVICE

I hereby certified that on May 24, 2022, I electronically filed the foregoing document with the Illinois Circuit Court for Cook County by using the Cook County File & Serve Illinois system. I certify that I have also served all counsel of record via E-mail on this date.

Steven M. Dicker, Esq.
DICKER DICKER & RUIZ
sdicker@dickerlaw.net

/s/Michael T. Terwilliger
Michael T. Terwilliger

FILED
 5/24/2022 9:48 AM
 IRIS Y. MARTINEZ
 CIRCUIT CLERK
 COOK COUNTY, IL
 2022L000397
 Calendar, H
 18017279

Appearance/Jury Demand

(05/03/21) CCL 0530

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW DIVISION

JULIUS C. GARRETT, III,

Plaintiff

Case No. 2022 L 000397

v.

LGR TRUCKING INC, and
 EDWARD D. SCHRODE,

Calendar: H

Defendant

APPEARANCE/JURY DEMAND

 General Appearance

- 0900 - Appearance - Fee Paid
- 0909 - Appearance- No Fee
- 0904 - Appearance Filed - Fee Waived
- 1900 - Appearance & Jury Demand - Fee Paid
- 1909 - Appearance & Jury Demand - No Fee

The undersigned enters the appearance of: Plaintiff Defendant

- Additional Party
- Respondent-in-discovery

LGR Trucking Inc and Edward D. Schröde

Litigant's Name

/s/ Michael T. Terwilliger

Signature

- INITIAL COUNSEL OF RECORD
- ADDITIONAL APPEARANCE

- PRO SE
- SUBSTITUTE APPEARANCE

A copy of this appearance shall be given to all parties who have appeared and have not been found by the Court to be in default.

Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois
 cookcountyclerkofcourt.org

Appearance/Jury Demand

(05/03/21) CCL 0530

Atty. No.: 49358 Pro Se 99500

Name: Michael T. Terwilliger

Atty. for (if applicable):

Defendants

Address: 450 Vale Park Road, Suite D

City: Valparaiso

State: IN Zip: 46385

Telephone: 219-531-6719

Primary Email: mterwilliger@indycounsel.com

Pro Se Only:

I have read and agree to the terms of the Clerk's Office Electronic Notice Policy and choose to opt in to electronic notice from the Clerk's office for this case at this email address:

FILED
5/26/2022 3:47 PM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2022L000397
Calendar, H
18065732

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, LAW DIVISION

JULIUS C. GARRETT, III,)
Plaintiff,)
v.)
LGR TRUCKING INC, and) Case No.: 2022 L 000397
EDWARD D. SCHRODE,) Calendar H
Defendants.)
)
)

CERTIFICATE OF SERVICE

I, Michael T. Terwilliger, pursuant to the provisions of § 1-109 of the Code of Civil Procedure, certify that I served the foregoing:

- DEFENDANTS' INTERROGATORIES TO PLAINTIFF; and
- DEFENDANTS' REQUEST FOR PRODUCTION TO PLAINTIFF.

via email to the following address on **May 26, 2022**:

Steven M. Dicker, Esq.
DICKER DICKER & RUIZ
sdicker@dickerlaw.net

Respectfully submitted,

Whitten Law Office LLC

/s/Michael T. Terwilliger
Michael T. Terwilliger
Counsel for Defendants

Michael T. Terwilliger, ARDC#6244004
Whitten Law Office LLC
450 Vale Park Road
Valparaiso, Indiana 46385
(219) 531-6719 Telephone
(219) 531-6471 Facsimile
terwilliger@indycounsel.com

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

Julius C. Garrett, III.

Plaintiff(s),

v.

LGR Trucking Inc and Edward D. Schröde

Defendant(s).

)
)
)
No. 22 L 000397
)
)
Motion Call H
)
)

CASE MANAGEMENT ORDER – CATEGORY 1 CASES

- The intent of this order is for the parties to complete all discovery and for the court to rule on all dispositive motions within **18 months** following the filing of the complaint.
- This order **does not alter** the application of Illinois Supreme Court Rule 218 – **the 60-day rule**.
- **Fill in all blanks.**

Service of process achieved, responsive pleadings filed, treaters' list with names and addresses sent, HIPPA order entered, Rule 213(f)(1), (f)(2), (f)(3) & Rule 214 written discovery issued no later than

Months after
Complaint filed Date

Rule 213(f)(1), (f)(2), & Rule 214 written discovery completed no later than

3 06/24/2022

Rule 213(f)(2) subpoenas issued no later than

6 9/26/2022

Rule 213(f)(1) depositions completed no later than

7 10/26/2022

Rule 213(f)(2) depositions completed no later than

10 01/26/2023

Dispositive motions filed and Rule 215 & 216 discovery completed no later than

13 04/26/2023

Rule 213(f)(3) disclosures completed no later than

14 05/26/2023

Rule 213(f)(3) depositions completed no later than

16 07/26/2023

Case management for trial certification at 10:00 a.m.

18 09/26/2023

FAILURE OF ANY PARTY TO COMPLY WITH THIS CMC ORDER WILL BE A BASIS FOR SCR 219(C) SANCTIONS. FAILURE OF ANY PARTY TO ENFORCE THIS CMC ORDER WILL CONSTITUTE A WAIVER OF SUCH DISCOVERY BY THAT PARTY.

ENTERED:

John H. Ehrlich
Circuit Court Judge

ENTERED
Judge John H. Ehrlich-2075
MAY 26 2022 *RT*
IRIS V. MARTINEZ
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL

Attorney No. 49358

**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, LAW DIVISION**

JULIUS C. GARRETT, III,)	
)	
Plaintiff,)	
)	
v.)	
)	
LGR TRUCKING INC, and	)	Case No.: 2022 L 000397
EDWARD D. SCHRODE,	)	Calendar H
)	
Defendants.)	
)	
)	
)	

CERTIFICATE OF SERVICE

I, Michael T. Terwilliger, pursuant to the provisions of § 1-109 of the Code of Civil Procedure, certify that I served the foregoing:

- DEFENDANTS' REQUESTS FOR ADMISSION TO PLAINTIFF.

via email to the following address on **June 14, 2022**:

Steven M. Dicker, Esq.
DICKER DICKER & RUIZ
sdicker@dickerlaw.net

Respectfully submitted,

Whitten Law Office LLC

/s/Michael T. Terwilliger
Michael T. Terwilliger
Counsel for Defendants

Michael T. Terwilliger, ARDC#6244004
Whitten Law Office LLC
450 Vale Park Road
Valparaiso, Indiana 46385
(219) 531-6719 Telephone
(219) 531-6471 Facsimile
mterwilliger@indycounsel.com

FILED

Attorney 6/14/2022 2:22 PM
 IRIS Y. MARTINEZ
 CIRCUIT CLERK
 COOK COUNTY, IL
 2022L000397
 Calendar, H
 18284123

**IN THE CIRCUIT COURT OF COOK COUNTY
 COUNTY DEPARTMENT, LAW DIVISION**

JULIUS C. GARRETT, III,)	
)	
Plaintiff,)	
)	
v.	)	Case No.: 2022 L 000397
	)	Calendar H
LGR TRUCKING INC, and)	
EDWARD D. SCHRODE,)	
)	
Defendants.)	
)	
)	

**ANSWER, AFFIRMATIVE DEFENSES AND
 DEMAND FOR TRIAL BY JURY**

Defendants, LGR TRUCKING, INC. and Edward D. Schrode (“defendants”), by counsel, and for their answer to plaintiff’s complaint (“complaint”), state the following:

1. That on February 14, 2020, and at all times relevant hereto, 162nd Street was a public roadway running in an easterly and westerly direction in the City of South Holland, County of Cook and State of Illinois.

ANSWER: Admitted.

2. That on February 14, 2020, and at all times relevant hereto, the Plaintiff, JULIUS C. GARRETT, III, operated a motor vehicle in a westerly direction on 162nd Street at or near the I-94 Overpass, in the City of South Holland, County of Cook and. State of Illinois.

ANSWER: Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 and therefore neither admit nor deny same but demand strict proof thereof.

3. That on February 14, 2020, and at all times relevant hereto, the Defendant, LGR TRUCKING, INC., owned a motor vehicle that was traveling in a westerly direction on 162nd Street at or near the I-94 Overpass, in the City of South Holland, County of Cook and. State of Illinois.

ANSWER: Admitted.

4. That at all times relevant hereto, the Defendant, EDWARD D. SCHRODE, was an agent, servant and/or employee of the Defendant, LGR TRUCKING INC.

ANSWER: Denied.

5. That at the time and place aforesaid, the vehicle which was operated by the Defendant, EDWARD D. SCHRODE, and owned by the Defendant, LGR TRUCKING INC., collided with the vehicle operated by the Plaintiff, JULIUS C. GARRETT, III.

ANSWER: Denied.

6. That at all times relevant hereto, the Defendants, LGR TRUCKING INC. and EDWARD D. SCHRODE, and each of them, were under a duty to exercise reasonable care in the ownership and operation of their motor vehicle so as to not cause injuries and damage to persons and property in the vicinity.

ANSWER: Defendants object to paragraph 6 as it contains a legal conclusion to which no response is required. To the extent a response is required, same is denied.

7. That at all times relevant hereto, the Defendants, LGR TRUCKING INC. and EDWARD D. SCHRODE, and each of them, breached the aforesaid duty in one or more of the following respects:

- a. Changed lanes when it was unsafe to do so;
- b. Changed lanes without activating his turn signal;
- c. Failed to keep a proper lookout for other vehicles on the roadway;
- d. Failed to keep their vehicle under control;
- e. Traveled at an excessive rate of speed;
- f. Traveled at a rate of speed that was too fast for weather and traffic conditions;
- g. Failed to adequately and properly maintain their vehicle in a safe condition;
- h. Were otherwise careless and negligent.

ANSWER: Denied.

8. That as a direct and proximate result of one or more of the foregoing wrongful acts or omissions of the Defendants, LGR TRUCKING INC. and EDWARD D. SCHRODE, the Plaintiff, JULIUS C. GARRETT, III, was then and there injured, both internally and externally and was caused to and did undergo great pain and discomfort, disfigurement and physical impairment, all of which injuries are permanent; and that he has been and will in the future be kept from attending to his ordinary affairs and duties, and has become liable for large sums of money for medical treatment.

ANSWER: Denied.

AFFIRMATIVE DEFENSES

Defendants, LGR TRUCKING INC and Edward D. Schrode, by counsel, assert the following affirmative defenses to plaintiff's complaint, in the alternative and

without assuming the burden of proof for matters for which the burden is not imposed upon the responding party under law:

FIRST AFFIRMATIVE DEFENSE

1. Plaintiff filed a complaint alleging damages arising out of an occurrence which purportedly took place on February 14, 2020.

2. At the time of the occurrence, there was in full force and effect a certain statute known as III. Rev. Stat., Ch. 110, § 2-1116, said statute being effective as of November 25, 1986, which provides as follows:

In all actions on account of bodily injury, death or physical damage to property based on negligence, or product liability based on strict tort liability, the plaintiff shall be barred from recovering damages if the trier of fact finds that the contributory fault on the part of the plaintiff is more than fifty percent of the proximate cause of the injury or damage for which the recovery is sought. The plaintiff shall not be barred from recovering damages if the trier of fact finds that the contributory fault on the part of the plaintiff is not more than fifty percent of the proximate cause of the injury or damage to which recovery is sought, but any damages allowed shall be diminished in the proportion to the amount of fault attributable to the plaintiff.

(Emphasis added) (III. Rev. Stat., 1986; Ch. 110, § 2-1116.)

3. Plaintiff owed a duty to refrain from negligence at all times relevant and to take good and proper care for plaintiff's own safety.

4. Plaintiff's own careless and negligent conduct caused or contributed to cause the injuries, expenses, pecuniary losses and other damages for which plaintiff seeks compensation in this lawsuit.

5. On February 14, 2020, plaintiff was guilty of one or more of the following careless and negligent acts and/or omissions:

a. Operated said motor vehicle in a careless, reckless, and negligent manner;

- b. Negligently, carelessly, and recklessly failed to maintain a proper lookout;
- c. Negligently, carelessly, and recklessly operated said motor vehicle at a speed which was greater than posted or reasonable under the circumstances;
- d. Negligently, carelessly and recklessly failed to stop motor vehicle when danger of a collision was imminent;
- e. Negligently, carelessly and recklessly failed to yield the right of way to defendants' or third-parties motor vehicle(s);
- f. Negligently, carelessly and recklessly failed to maintain a safe and reasonable distance from Defendants' or third-parties motor vehicle(s);
- g. Negligently, carelessly and recklessly followed too closely to Defendants' or third-parties motor vehicle(s);
- h. Negligently, carelessly and recklessly failed to apply the brakes of said motor vehicle in order to avoid collision;
- i. Was otherwise negligent and careless in the operation of said motor vehicle.

6. In the event that plaintiff was more than fifty percent (50%) at fault in causing the injuries, or that plaintiff's actions were the sole proximate cause of said accident, then plaintiff is barred from recovery.

SECOND AFFIRMATIVE DEFENSE

- 1. Plaintiff filed a complaint alleging damages arising out of an occurrence which purportedly took place on February 14, 2020.
- 2. At all times relevant hereto, there was in full force and effect a certain statute known as 735 ILCS 5/2-1117, which provides as follows:

Except as provided in § 2-1118, in actions on account of bodily injury or death or physical damage to property, based on negligence, or product liability based on strict tort liability, all defendants found liable are jointly and severally liable for plaintiffs past and future medical and medically related expenses. Any defendant whose fault, as determined by the trier of fact, is less than twenty-five percent of

the total fault attributable to the plaintiff, the defendants sued by the plaintiff, and any third party defendant who could have been sued by the plaintiff, shall be severally liable for all of the damages. Any defendant whose fault, as determined by the trier of fact, is twenty-five percent or greater of the total fault attributable to the plaintiff, the defendants sued by the plaintiff and any third party defendants who could have been sued by the plaintiff, shall be jointly and severally liable for all other damages.

3. In the event that defendants are found liable for damages allegedly sustained by the plaintiff, and any fault on behalf of defendants constitutes less than twenty-five percent of the total fault attributable to the plaintiff, the defendants sued by the plaintiff, and any third-party defendant who could have been sued by the plaintiff, then defendants shall only be severally liable for certain damages, as set forth in the statute.

THIRD AFFIRMATIVE DEFENSE

1. Defendants had no control over the actions of plaintiff or other persons at the time of the occurrence.

2. Accordingly, to the extent that plaintiff's claimed injuries, if any, were caused in whole or in part by an intervening and/or superseding cause(s) unrelated to any acts or omissions of defendants, damages are barred.

FOURTH AFFIRMATIVE DEFENSE

1. Any amount paid by any third person or corporation because of any damage, loss or expense, or injury to plaintiff should be offset and/or credited against any judgment that might be rendered in favor of plaintiff and against defendants as partial satisfaction of plaintiff's damages.

2. Defendants respectfully pray that any judgment in favor of plaintiff be reduced in proportion to any amount paid by a third person or corporation as a result of the occurrence alleged in plaintiff's complaint, and that defendants be awarded their costs and such other relief as the Court may deem to be just and proper.

FIFTH AFFIRMATIVE DEFENSE

The accident, injuries, and damages alleged in the complaint were proximately caused by a person or persons other than defendants, over whom defendants exercised no control or right of control, or for whose act(s) or failure(s) to act defendants are not liable or responsible.

SIXTH AFFIRMATIVE DEFENSE

Any act(s) or omission(s) to act by defendants was/were not the proximate cause of this accident.

SEVENTH AFFIRMATIVE DEFENSE

Defendants did not own any duty(ies) to the plaintiff at the time and place mentioned in the complaint. If any duties are owed by defendants, they properly performed each and every duty owed.

EIGHTH AFFIRMATIVE DEFENSE

Defendants assert that LGR TRUCKING, INC. is simply a leasing company and J.W. EXPRESS, INC. was the appropriate motor carrier at the time and place mentioned in the complaint. As a result, J.W. EXPRESS, INC. and not LGR TRUCKING, INC. is the proper defendant such that LGR TRUCKING, INC. is an

improper and mis-joined defendant pursuant to 735 ILCS 5/2-407 and should be dismissed.

RESERVATION OF RIGHTS

Defendants reserve the right to assert additional affirmative defenses that may become apparent during the course of this action.

WHEREFORE, defendants pray for judgment in their favor and against plaintiff, and for such other and further relief as this Court deems just and proper.

DEMAND FOR TRIAL BY JURY

Defendants, LGR TRUCKING INC and Edward D. Schrode, by counsel, respectfully demand that this case be tried by jury.

Respectfully submitted,

WHITTEN LAW OFFICE LLC

/s/Michael T. Terwilliger
Michael T. Terwilliger
Counsel for Defendants

Michael T. Terwilliger, ARDC#6244004
WHITTEN LAW OFFICE LLC
450 Vale Park Road
Valparaiso, Indiana 46385
(219) 531-6719 Telephone
(219) 531-6471 Facsimile
mterwilliger@indycounsel.com

CERTIFICATE OF SERVICE

I hereby certified that on June 14, 2022, I electronically filed the foregoing document with the Illinois Circuit Court for Cook County by using the Cook County File & Serve Illinois system. I certify that I have also served all counsel of record via E-mail on this date.

Steven M. Dicker, Esq.
DICKER DICKER & RUIZ
sdicker@dickerlaw.net

/s/Michael T. Terwilliger
Michael T. Terwilliger

FILED
 6/21/2022 10:41 AM
 IRIS Y. MARTINEZ
 CIRCUIT CLERK
 COOK COUNTY, IL
 2022L000397
 Calendar, H
 18361363

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW DIVISION

JULIUS C. GARRETT, III.,	)	No. 22 L 000397
Plaintiff,)	
vs.)	
LGR TRUCKING INC. and)	
EDWARD D. SCHRODE,)	
Defendants.)	

PLAINTIFF'S REPLY TO DEFENDANTS' AFFIRMATIVE DEFENSES

NOW COMES the Plaintiff, JULIUS C. GARRETT, III., by his attorneys, DICKER DICKER & RUIZ, and replies to the affirmative defenses of the Defendants, LGR TRUCKING INC. and EDWARD D. SCHRODE, as follows:

FIRST AFFIRMATIVE DEFENSE

1. Admits.
2. No answer is required.
3. Admits all duties imposed by law.
4. Denies the allegations set forth in paragraph 4.
5. Denies the allegations set forth in paragraph 5(a) - (i).
6. No answer is required.

WHEREFORE, the Plaintiff, JULIUS C. GARRETT, III., prays for judgment as requested in the Complaint at Law.

SECOND AFFIRMATIVE DEFENSE

1. Admits.
2. No answer is required.

3. No answer is required.

WHEREFORE, the Plaintiff, JULIUS C. GARRETT, III., prays for judgment as requested in the Complaint at Law.

THIRD AFFIRMATIVE DEFENSE

1. No answer is required.
2. No answer is required.

WHEREFORE, the Plaintiff, JULIUS C. GARRETT, III., prays for judgment as requested in the Complaint at Law.

FOURTH AFFIRMATIVE DEFENSE

1. No answer is required.
2. No answer is required.

WHEREFORE, the Plaintiff, JULIUS C. GARRETT, III., prays for judgment as requested in the Complaint at Law.

FIFTH AFFIRMATIVE DEFENSE

Denies the allegations set forth in the Fifth Affirmative Defense.

WHEREFORE, the Plaintiff, JULIUS C. GARRETT, III., prays for judgment as requested in the Complaint at Law.

SIXTH AFFIRMATIVE DEFENSE

Denies the allegations set forth in the Sixth Affirmative Defense.

WHEREFORE, the Plaintiff, JULIUS C. GARRETT, III., prays for judgment as requested in the Complaint at Law.

SEVENTH AFFIRMATIVE DEFENSE

Denies the allegations set forth in the Seventh Affirmative Defense.

WHEREFORE, the Plaintiff, JULIUS C. GARRETT, III., prays for judgment as requested in the Complaint at Law.

EIGHTH AFFIRMATIVE DEFENSE

No answer is required.

WHEREFORE, the Plaintiff, JULIUS C. GARRETT, III., prays for judgment as requested in the Complaint at Law.



STEVEN M. DICKER
Attorneys for Plaintiff

DICKER DICKER & RUIZ-#52742
300 W. Adams Street
Suite 330
Chicago, Illinois 60606
(312) 853-3485

FILED
6/21/2022 10:47 AM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2022L000397
Calendar, H
18361633

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

JULIUS C. GARRETT, III.,)
Plaintiff,) No. 22 L 000397
vs.)
LGR TRUCKING INC. and)
EDWARD D. SCHRODE,)
Defendants.)

MOTION FOR LEAVE TO FILE AMENDED COMPLAINT AT LAW

NOW COMES the Plaintiff, JULIUS C. GARRETT, III., by his attorneys, DICKER DICKER & RUIZ, and moves this Honorable Court for leave to file an Amended Complaint at Law to add an additional Defendant, J.W. EXPRESS, INC.



STEVEN M. DICKER
Attorneys for Plaintiff

**DICKER DICKER & RUIZ-#52742
300 W. Adams Street
Suite 330
Chicago, Illinois 60606
(312) 853-3485**

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

JULIUS C. GARRETT, III.,)
Plaintiff,) No. 22 L 000397
vs.)
LGR TRUCKING INC., EDWARD D.)
SCHRODE and J.W. EXPRESS, INC.)
Defendants.)

**AMENDED COMPLAINT AT LAW
COUNT I**

NOW COMES the Plaintiff, JULIUS C. GARRETT, III., by his attorneys, DICKER DICKER AND RUIZ, and complaining of the Defendants, LGR TRUCKING INC. and EDWARD D. SCHRODE, and each of them, states as follows:

1. That on February 14, 2020, and at all times relevant hereto, 162nd Street was a public roadway running in an easterly and westerly direction in the City of South Holland, County of Cook and State of Illinois.
2. That on February 14, 2020, and at all times relevant hereto, the Plaintiff, JULIUS C. GARRETT, III., operated a motor vehicle in a westerly direction on 162nd Street at or near the I-94 Overpass, in the City of South Holland, County of Cook and State of Illinois.
3. That on February 14, 2020, and at all times relevant hereto, the Defendant, LGR TRUCKING INC., owned a motor vehicle that was traveling in a westerly direction on 162nd Street at or near the I-94 Overpass, in the City of South Holland, County of Cook and State of Illinois.
4. That on February 14, 2020, and at all times relevant hereto the Defendant, EDWARD D. SCHRODE, operated a motor vehicle which was traveling in a westerly direction on 162nd Street

at or near the I-94 Overpass, in the City of South Holland, County of Cook and State of Illinois.

5. That at all times relevant hereto, the Defendant, EDWARD D. SCHRODE, was an agent, servant and/or employee of the Defendant, LGR TRUCKING INC.

6. That at the time and place aforesaid, the vehicle which was operated by the Defendant, EDWARD D. SCHRODE, and owned by the Defendant, LGR TRUCKING INC., collided with the vehicle operated by the Plaintiff, JULIUS C. GARRETT, III.

7. That at all times relevant hereto, the Defendants, LGR TRUCKING INC. and EDWARD D. SCHRODE, and each of them, were under a duty to exercise reasonable care in the ownership and operation of their motor vehicle so as to not cause injuries and damage to persons and property in the vicinity.

8. That at the time and place aforesaid, the Defendants, LGR TRUCKING INC. and EDWARD D. SCHRODE, and each of them, breached the aforesaid duty in one or more of the following respects:

- a. Changed lanes when it was unsafe to do so;
- b. Changed lanes without activating his turn signal;
- c. Failed to keep a proper lookout for other vehicles on the roadway;
- d. Failed to keep their vehicle under control;
- e. Traveled at an excessive rate of speed;
- f. Traveled at a rate of speed that was too fast for weather and traffic conditions;
- g. Failed to adequately and properly maintain their vehicle in a safe condition;

h. Were otherwise careless and negligent.

9. That as a direct and proximate result of one or more of the foregoing wrongful acts or omissions of the Defendants, LGR TRUCKING INC. and EDWARD D. SCHRODE, the Plaintiff, JULIUS C. GARRETT, III., was then and there injured, both internally and externally and was caused to and did undergo great pain and discomfort, disfigurement and physical impairment, all of which injuries are permanent; and that he has been and will in the future be kept from attending to his ordinary affairs and duties, and has become liable for large sums of money for medical treatment.

WHEREFORE, the Plaintiff, JULIUS C. GARRETT, III., prays for judgment against the Defendants, LGR TRUCKING INC. and EDWARD D. SCHRODE, in an amount in excess of THIRTY THOUSAND DOLLARS (\$30,000.00) plus interest and costs of this suit.

COUNT II

NOW COMES the Plaintiff, JULIUS C. GARRETT, III., by his attorneys, DICKER DICKER AND RUIZ, and complaining of the Defendants, J.W. EXPRESS, INC. and EDWARD D. SHRODE, and each of them, states as follows:

1. That on February 14, 2020, and at all times relevant hereto, 162nd Street was a public roadway running in an easterly and westerly direction in the City of South Holland, County of Cook and State of Illinois.
2. That on February 14, 2020, and at all times relevant hereto, the Plaintiff, JULIUS C. GARRETT, III., operated a motor vehicle in a westerly direction on 162nd Street at or near the I-94 Overpass, in the City of South Holland, County of Cook and State of Illinois.
3. That on February 14, 2020, and at all times relevant hereto, the Defendant, J.W. EXPRESS, INC., owned a motor vehicle that was traveling in a westerly direction on 162nd Street

at or near the I-94 Overpass, in the City of South Holland, County of Cook and State of Illinois.

4. That on February 14, 2020, and at all times relevant hereto the Defendant, EDWARD D. SCHRODE, operated a motor vehicle which was traveling in a westerly direction on 162nd Street at or near the I-94 Overpass, in the City of South Holland, County of Cook and State of Illinois.

5. That at all times relevant hereto, the Defendant, EDWARD D. SCHRODE, was an agent, servant and/or employee of the Defendant, J.W. EXPRESS, INC.

6. That at the time and place aforesaid, the vehicle which was operated by the Defendant, EDWARD D. SCHRODE, and owned by the Defendant, J.W. EXPRESS, INC., collided with the vehicle operated by the Plaintiff, JULIUS C. GARRETT, III.

7. That at all times relevant hereto, the Defendants, J.W. EXPRESS, INC. and EDWARD D. SCHRODE, and each of them, were under a duty to exercise reasonable care in the ownership and operation of their motor vehicle so as to not cause injuries and damage to persons and property in the vicinity.

8. That at the time and place aforesaid, the Defendants, J.W. EXPRESS, INC. and EDWARD D. SCHRODE, and each of them, breached the aforesaid duty in one or more of the following respects:

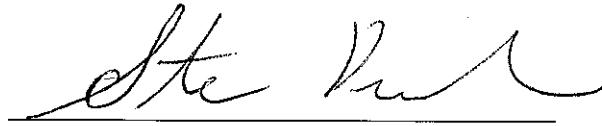
- a. Changed lanes when it was unsafe to do so;
- b. Changed lanes without activating his turn signal;
- c. Failed to keep a proper lookout for other vehicles on the roadway;
- d. Failed to keep their vehicle under control;
- e. Traveled at an excessive rate of speed;

FILED DATE: 6/21/2022 10:47 AM 2022L000397

- f. Traveled at a rate of speed that was too fast for weather and traffic conditions;
- g. Failed to adequately and properly maintain their vehicle in a safe condition;
- h. Were otherwise careless and negligent.

9. That as a direct and proximate result of one or more of the foregoing wrongful acts or omissions of the Defendants, J.W. EXPRESS, INC. and EDWARD D. SCHRODE, the Plaintiff, JULIUS C. GARRETT, III., was then and there injured, both internally and externally and was caused to and did undergo great pain and discomfort, disfigurement and physical impairment, all of which injuries are permanent; and that he has been and will in the future be kept from attending to his ordinary affairs and duties, and has become liable for large sums of money for medical treatment.

WHEREFORE, the Plaintiff, JULIUS C. GARRETT, III., prays for judgment against the Defendants, J.W. EXPRESS, INC. and EDWARD D. SCHRODE, in an amount in excess of THIRTY THOUSAND DOLLARS (\$30,000.00) plus interest and costs of this suit.



STEVEN M. DICKER
Attorney for Plaintiff

DICKER DICKER & RUIZ-#52742
300 W. Adams Street
Suite 330
Chicago, Illinois 60606
(312) 853-3485

Hearing Date: No hearing scheduled
Location: <<CourtRoomNumber>>
Judge: Calendar, H

FILED
6/21/2022 10:41 AM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2022L000397
Calendar, H
18361363

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

JULIUS C. GARRETT, III.,)
Plaintiff,) No. 22 L 000397
vs.)
LGR TRUCKING INC. and)
EDWARD D. SCHRODE,)
Defendants.)

NOTICE OF FILING

TO: **BY EMAIL**
Mr. Michael T. Terwilliger
Whitten Law Office LLC
450 Vale Park Road
Valparaiso, Indiana 46385

PLEASE TAKE NOTICE that on the 21st day of June, 2022, we filed with the Clerk of the Circuit Court of Cook County, Illinois the following **PLAINTIFF'S REPLY TO DEFENDANTS' AFFIRMATIVE DEFENSES** in accordance with the Rules of the Circuit Court of Cook County, the Rules of the Supreme Court of Illinois and the Code of Civil Procedure of the State of Illinois a copy of which is attached hereto and served upon you.



STEVEN M. DICKER
Attorney for Plaintiff

DICKER DICKER & RUIZ-#52742
300 West Adams Street
Suite 330
Chicago, Illinois 60606
(312) 853-3485

STATE OF ILLINOIS)
COUNTY OF COOK)
SS)

PROOF OF SERVICE

Under penalties as provided by Section 1-109 of the Illinois Code of Civil Procedure, I, STEVEN M. DICKER, state that I served the above notice by emailing a copy to the attorney listed above on the 22nd day of June, 2022.

Steve Dicker
STEVEN M. DICKER

Hearing Date: No hearing scheduled
Location: <<CourtRoomNumber>>
Judge: Calendar, H

FILED
6/21/2022 10:47 AM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2022L000397
Calendar, H
18361633

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

JULIUS C. GARRETT, III.,)
Plaintiff,) No. 22 L 000397
vs.)
LGR TRUCKING INC. and)
EDWARD D. SCHRODE,)
Defendants.)

NOTICE OF MOTION

TO:

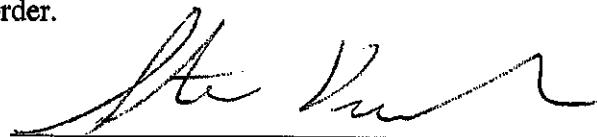
BY EMAIL

Mr. Michael T. Terwilliger
Whitten Law Office LLC
450 Vale Park Road
Valparaiso, Indiana 46385

On the 27th day of June, 2022, at 9:00 a.m. I shall electronically submit the attached: Motion for Leave to File Amended Complaint at Law to the Honorable John H. Ehrlich via email address: LAW.CALHcc@cookcountyl.gov.

To respond or object to this Motion, please email response or objection to LAW.CALHcc@cookcountyl.gov after 10:00 a.m. on the date set forth above, with a cc to all attorneys of record as listed here: sdicker@dickerlaw.net

If no response or objection is emailed before 4:00 p.m. on the date set forth above, the Court will rule on the Motion and enter an order.

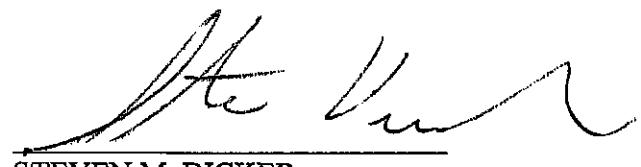


Steven M. Dicker
Attorney for Plaintiff

DICKER DICKER & RUIZ-#52742
300 West Adams Street
Suite 330
Chicago, Illinois 60606
(312) 853-3485

PROOF OF SERVICE

Under penalties as provided by Section 1-109 of the Illinois Code of Civil Procedure, I, STEVEN M. DICKER, state that I served the above notice by emailing a copy to the attorney listed above on the 3rd day of June, 2022.



STEVEN M. DICKER

FILED
6/30/2022 9:16 AM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2022L000397
Calendar, H
18498267

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

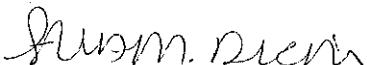
JULIUS C. GARRETT, III.,)
Plaintiff,) No. 22 L 000397
vs.)
LGR TRUCKING INC. and)
EDWARD D. SCHRODE,)
Defendants.)

NOTICE OF FILING

TO: **BY EMAIL**

Mr. Michael T. Terwilliger
Whitten Law Office LLC
450 Vale Park Road
Valparaiso, Indiana 46385

PLEASE TAKE NOTICE that on the 30th day of June, 2022, we filed with the Clerk of the Circuit Court of Cook County, Illinois the following **PLAINTIFF'S AMENDED COMPLAINT AT LAW** in accordance with the Rules of the Circuit Court of Cook County, the Rules of the Supreme Court of Illinois and the Code of Civil Procedure of the State of Illinois a copy of which is attached hereto and served upon you.



STEVEN M. DICKER
Attorney for Plaintiff

DICKER DICKER & RUIZ #52742
300 West Adams Street
Suite 330
Chicago, Illinois 60606
(312) 853-3485

STATE OF ILLINOIS)
)SS
COUNTY OF C O O K)

PROOF OF SERVICE

Under penalties as provided by Section 1-109 of the Illinois Code of Civil Procedure, I, STEVEN M. DICKER, state that I served the above notice by emailing a copy to the attorney listed above on the 30th day of June, 2022.

Steven M. Dicker
STEVEN M. DICKER

FILED
6/30/2022 9:16 AM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2022L000397
Calendar, H
18498267

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

JULIUS C. GARRETT, III.,)
vs.) No. 22 L 000397
Plaintiff,)
LGR TRUCKING INC., EDWARD D.)
SCHRODE and J.W. EXPRESS, INC.)
Defendants.)

AMENDED COMPLAINT AT LAW
COUNT I

NOW COMES the Plaintiff, JULIUS C. GARRETT, III., by his attorneys, DICKER DICKER AND RUIZ, and complaining of the Defendants, LGR TRUCKING INC. and EDWARD D. SCHRODE, and each of them, states as follows:

1. That on February 14, 2020, and at all times relevant hereto, 162nd Street was a public roadway running in an easterly and westerly direction in the City of South Holland, County of Cook and State of Illinois.
2. That on February 14, 2020, and at all times relevant hereto, the Plaintiff, JULIUS C. GARRETT, III., operated a motor vehicle in a westerly direction on 162nd Street at or near the I-94 Overpass, in the City of South Holland, County of Cook and State of Illinois.
3. That on February 14, 2020, and at all times relevant hereto, the Defendant, LGR TRUCKING INC., owned a motor vehicle that was traveling in a westerly direction on 162nd Street at or near the I-94 Overpass, in the City of South Holland, County of Cook and State of Illinois.
4. That on February 14, 2020, and at all times relevant hereto the Defendant, EDWARD D. SCHRODE, operated a motor vehicle which was traveling in a westerly direction on 162nd Street

at or near the I-94 Overpass, in the City of South Holland, County of Cook and State of Illinois.

5. That at all times relevant hereto, the Defendant, EDWARD D. SCHRODE, was an agent, servant and/or employee of the Defendant, LGR TRUCKING INC.

6. That at the time and place aforesaid, the vehicle which was operated by the Defendant, EDWARD D. SCHRODE, and owned by the Defendant, LGR TRUCKING INC., collided with the vehicle operated by the Plaintiff, JULIUS C. GARRETT, III.

7. That at all times relevant hereto, the Defendants, LGR TRUCKING INC. and EDWARD D. SCHRODE, and each of them, were under a duty to exercise reasonable care in the ownership and operation of their motor vehicle so as to not cause injuries and damage to persons and property in the vicinity.

8. That at the time and place aforesaid, the Defendants, LGR TRUCKING INC. and EDWARD D. SCHRODE, and each of them, breached the aforesaid duty in one or more of the following respects:

- a. Changed lanes when it was unsafe to do so;
- b. Changed lanes without activating his turn signal;
- c. Failed to keep a proper lookout for other vehicles on the roadway;
- d. Failed to keep their vehicle under control;
- e. Traveled at an excessive rate of speed;
- f. Traveled at a rate of speed that was too fast for weather and traffic conditions;
- g. Failed to adequately and properly maintain their vehicle in a safe condition;

h. Were otherwise careless and negligent.

9. That as a direct and proximate result of one or more of the foregoing wrongful acts or omissions of the Defendants, LGR TRUCKING INC. and EDWARD D. SCHRODE, the Plaintiff, JULIUS C. GARRETT, III., was then and there injured, both internally and externally and was caused to and did undergo great pain and discomfort, disfigurement and physical impairment, all of which injuries are permanent; and that he has been and will in the future be kept from attending to his ordinary affairs and duties, and has become liable for large sums of money for medical treatment.

WHEREFORE, the Plaintiff, JULIUS C. GARRETT, III., prays for judgment against the Defendants, LGR TRUCKING INC. and EDWARD D. SCHRODE, in an amount in excess of THIRTY THOUSAND DOLLARS (\$30,000.00) plus interest and costs of this suit.

COUNT II

NOW COMES the Plaintiff, JULIUS C. GARRETT, III., by his attorneys, DICKER DICKER AND RUIZ, and complaining of the Defendants, J.W. EXPRESS, INC. and EDWARD D. SHRODE, and each of them, states as follows:

1. That on February 14, 2020, and at all times relevant hereto, 162nd Street was a public roadway running in an easterly and westerly direction in the City of South Holland, County of Cook and State of Illinois.
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at or near the I-94 Overpass, in the City of South Holland, County of Cook and State of Illinois.

4. That on February 14, 2020, and at all times relevant hereto the Defendant, EDWARD D. SCHRODE, operated a motor vehicle which was traveling in a westerly direction on 162nd Street at or near the I-94 Overpass, in the City of South Holland, County of Cook and State of Illinois.

5. That at all times relevant hereto, the Defendant, EDWARD D. SCHRODE, was an agent, servant and/or employee of the Defendant, J.W. EXPRESS, INC.

6. That at the time and place aforesaid, the vehicle which was operated by the Defendant, EDWARD D. SCHRODE, and owned by the Defendant, J.W. EXPRESS, INC., collided with the vehicle operated by the Plaintiff, JULIUS C. GARRETT, III.

7. That at all times relevant hereto, the Defendants, J.W. EXPRESS, INC. and EDWARD D. SCHRODE, and each of them, were under a duty to exercise reasonable care in the ownership and operation of their motor vehicle so as to not cause injuries and damage to persons and property in the vicinity.

8. That at the time and place aforesaid, the Defendants, J.W. EXPRESS, INC. and EDWARD D. SCHRODE, and each of them, breached the aforesaid duty in one or more of the following respects:

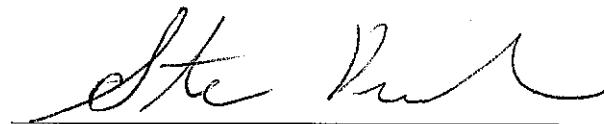
- a. Changed lanes when it was unsafe to do so;
- b. Changed lanes without activating his turn signal;
- c. Failed to keep a proper lookout for other vehicles on the roadway;
- d. Failed to keep their vehicle under control;
- e. Traveled at an excessive rate of speed;

FILED DATE: 6/30/2022 9:16 AM 2022L000397

- f. Traveled at a rate of speed that was too fast for weather and traffic conditions;
- g. Failed to adequately and properly maintain their vehicle in a safe condition;
- h. Were otherwise careless and negligent.

9. That as a direct and proximate result of one or more of the foregoing wrongful acts or omissions of the Defendants, J.W. EXPRESS, INC. and EDWARD D. SCHRODE, the Plaintiff, JULIUS C. GARRETT, III., was then and there injured, both internally and externally and was caused to and did undergo great pain and discomfort, disfigurement and physical impairment, all of which injuries are permanent; and that he has been and will in the future be kept from attending to his ordinary affairs and duties, and has become liable for large sums of money for medical treatment.

WHEREFORE, the Plaintiff, JULIUS C. GARRETT, III., prays for judgment against the Defendants, J.W. EXPRESS, INC. and EDWARD D. SCHRODE, in an amount in excess of THIRTY THOUSAND DOLLARS (\$30,000.00) plus interest and costs of this suit.



STEVEN M. DICKER
Attorney for Plaintiff

DICKER DICKER & RUIZ-#52742
300 W. Adams Street
Suite 330
Chicago, Illinois 60606
(312) 853-3485

FILED
6/30/2022 11:58 AM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2022L000397
Calendar, H
18503722

Attorney No. 49358

**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, LAW DIVISION**

JULIUS C. GARRETT, III,

)

Plaintiff,

)

v.

)

LGR TRUCKING INC, EDWARD D.
SCRODE, and J.W. EXPRESS, INC.,

) Case No.: 2022 L 000397
Calendar H

Defendants.

)

)

NOTICE OF FILING

TO: Steven M. Dicker, Esq.
DICKER DICKER & RUIZ
sdicker@dickerlaw.net

PLEASE TAKE NOTICE that on June 30, 2022, I have filed with the Circuit Court of Cook County, Richard J. Daley Center, 50 West Washington Street, Chicago, Illinois 60602, APPEARANCE FOR DEFENDANT J.W. EXPRESS, INC.

Respectfully submitted,

WHITTEN LAW OFFICE LLC

/s/Michael T. Terwilliger
Michael T. Terwilliger
Counsel for Defendants

Michael T. Terwilliger, ARDC#6244004
WHITTEN LAW OFFICE LLC
450 Vale Park Road
Valparaiso, Indiana 46385
(219) 531-6719 Telephone
(219) 531-6471 Facsimile
mterwilliger@indycounsel.com

CERTIFICATE OF SERVICE

I hereby certified that on June 30, 2022, I electronically filed the foregoing document with the Illinois Circuit Court for Cook County by using the Cook County File & Serve Illinois system. I certify that I have also served all counsel of record via E-mail on this date.

Steven M. Dicker, Esq.
DICKER DICKER & RUIZ
sdicker@dickerlaw.net

/s/Michael T. Terwilliger
Michael T. Terwilliger

FILED
 6/30/2022 11:58 AM
 IRIS Y. MARTINEZ
 CIRCUIT CLERK
 COOK COUNTY, IL
 2022L000397
 Calendar, H
 18503722

Appearance/Jury Demand

(05/03/21) CCL 0530

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW DIVISION

JULIUS C. GARRETT, III,

Plaintiff

Case No. 2022 L 000397

v.

LGR TRUCKING INC, EDWARD D. SCHRODE,
 and J.W. EXPRESS, INC.

Calendar: H

Defendant

APPEARANCE/JURY DEMAND

 General Appearance

- 0900 - Appearance - Fee Paid
- 0909 - Appearance- No Fee
- 0904 - Appearance Filed - Fee Waived
- 1900 - Appearance & Jury Demand - Fee Paid
- 1909 - Appearance & Jury Demand - No Fee

The undersigned enters the appearance of: Plaintiff Defendant

- Additional Party
- Respondent-in-discovery

J.W. EXPRESS, INC.

Litigant's Name

/s/ Michael T. Terwilliger

Signature

- INITIAL COUNSEL OF RECORD
- ADDITIONAL APPEARANCE

- PRO SE
- SUBSTITUTE APPEARANCE

A copy of this appearance shall be given to all parties who have appeared and have not been found by the Court to be in default.

Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois
 cookcountyclerkofcourt.org

Appearance/Jury Demand

(05/03/21) CCL 0530

Atty. No.: 49358 Pro Se 99500

Name: Michael T. Terwilliger

Atty. for (if applicable):

Defendants

Address: 450 Vale Park Road, Suite D

City: Valparaiso

State: IN Zip: 46385

Telephone: 219-531-6719

Primary Email: mterwilliger@indycounsel.com

Pro Se Only:

I have read and agree to the terms of the Clerk's Office Electronic Notice Policy and choose to opt in to electronic notice from the Clerk's office for this case at this email address:

FILED

7/6/2022 11:36 AM

IRIS Y MARTINEZ

CIRCUIT CLERK

COOK COUNTY, IL

2022L000397

Calendar, H

18557020

**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, LAW DIVISION**

JULIUS C. GARRETT, III,

)

Plaintiff,

)

v.

)

LGR TRUCKING INC, EDWARD D.
SCRODE, and J.W. EXPRESS, INC.,

) Case No.: 2022 L 000397

) Calendar H

Defendants.

)

)

**ANSWER, AFFIRMATIVE DEFENSES AND
DEMAND FOR TRIAL BY JURY**

Defendants, LGR TRUCKING, INC., Edward D. Schrode, and J.W. EXPRESS, INC. (“defendants”), by counsel, and for their answer to plaintiff’s amended complaint at law (“amended complaint”), state the following:

COUNT I

1. That on February 14, 2020, and at all times relevant hereto, 162nd Street was a public roadway running in an easterly and westerly direction in the City of South Holland, County of Cook and State of Illinois.

ANSWER: Admitted.

2. That on February 14, 2020, and at all times relevant hereto, the Plaintiff, JULIUS C. GARRETT, III, operated a motor vehicle in a westerly direction on 162nd Street at or near the I-94 Overpass, in the City of South Holland, County of Cook and. State of Illinois.

ANSWER: Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 and therefore neither admit nor deny same but demand strict proof thereof.

3. That on February 14, 2020, and at all times relevant hereto, the Defendant, LGR TRUCKING, INC., owned a motor vehicle that was traveling in a westerly direction on 162nd Street at or near the I-94 Overpass, in the City of South Holland, County of Cook and. State of Illinois.

ANSWER: Admitted.

4. That on February 14, 2020, and at all times relevant hereto, the Defendant, EDWARD D. SCHRODE operated a motor vehicle which was traveling in a westerly direction on 162nd Street at or near the I-94 Overpass, in the City of South Holland, County of Cook and State of Illinois.

ANSWER: Admitted.

5. That at all times relevant hereto, the Defendant, EDWARD D. SCHRODE, was an agent, servant and/or employee of the Defendant, LGR TRUCKING INC.

ANSWER: Denied.

6. That at the time and place aforesaid, the vehicle which was operated by the Defendant, EDWARD D. SCHRODE, and owned by the Defendant, LGR TRUCKING INC., collided with the vehicle operated by the Plaintiff, JULIUS C. GARRETT, III.

ANSWER: Denied.

7. That at all times relevant hereto, the Defendants, LGR TRUCKING INC. and EDWARD D. SCHRODE, and each of them, were under a duty to exercise reasonable care in the ownership and operation of their motor vehicle so as to not cause injuries and damage to persons and property in the vicinity.

ANSWER: Defendants object to paragraph 7 as it contains a legal conclusion to which no response is required. To the extent a response is required, same is denied.

8. That at all times relevant hereto, the Defendants, LGR TRUCKING INC. and EDWARD D. SCHRODE, and each of them, breached the aforesaid duty in one or more of the following respects:

- a. Changed lanes when it was unsafe to do so;
- b. Changed lanes without activating his turn signal;
- c. Failed to keep a proper lookout for other vehicles on the roadway;
- d. Failed to keep their vehicle under control;
- e. Traveled at an excessive rate of speed;
- f. Traveled at a rate of speed that was too fast for weather and traffic conditions;
- g. Failed to adequately and properly maintain their vehicle in a safe condition;
- h. Were otherwise careless and negligent.

ANSWER: Denied.

9. That as a direct and proximate result of one or more of the foregoing wrongful acts or omissions of the Defendants, LGR TRUCKING INC. and EDWARD D. SCHRODE, the Plaintiff, JULIUS C. GARRETT, III, was then and

there injured, both internally and externally and was caused to and did undergo great pain and discomfort, disfigurement and physical impairment, all of which injuries are permanent; and that he has been and will in the future be kept from attending to his ordinary affairs and duties, and has become liable for large sums of money for medical treatment.

ANSWER: Denied.

COUNT II

1. That on February 14, 2020, and at all times relevant hereto, 162nd Street was a public roadway running in an easterly and westerly direction in the City of South Holland, County of Cook and State of Illinois.

ANSWER: Admitted.

2. That on February 14, 2020, and at all times relevant hereto, the Plaintiff, JULIUS C. GARRETT, III, operated a motor vehicle in a westerly direction on 162nd Street at or near the I-94 Overpass, in the City of South Holland, County of Cook and State of Illinois.

ANSWER: Defendant are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 and therefore neither admit nor deny same but demand strict proof thereof.

3. That on February 14, 2020, and at all times relevant hereto, the Defendant, J.W. EXPRESS, INC., owned a motor vehicle that was traveling in a westerly direction on 162nd Street at or near the I-94 Overpass, in the City of South Holland, County of Cook and State of Illinois.

ANSWER: Denied.

4. That on February 14, 2020, and at all times relevant hereto, the Defendant, EDWARD D. SCHRODE operated a motor vehicle which was traveling in a westerly direction on 162nd Street at or near the I-94 Overpass, in the City of South Holland, County of Cook and State of Illinois.

ANSWER: Admitted.

5. That at all times relevant hereto, the Defendant, EDWARD D. SCHRODE, was an agent, servant and/or employee of the Defendant, J.W. EXPRESS, INC.

ANSWER: Admitted.

6. That at the time and place aforesaid, the vehicle which was operated by the Defendant, EDWARD D. SCHRODE, and owned by the Defendant, J.W. EXPRESS, INC., collided with the vehicle operated by the Plaintiff, JULIUS C. GARRETT, III.

ANSWER: Denied.

7. That at all times relevant hereto, the Defendants, J.W. EXPRESS, INC. and EDWARD D. SCHRODE, and each of them, were under a duty to exercise reasonable care in the ownership and operation of their motor vehicle so as to not cause injuries and damage to persons and property in the vicinity.

ANSWER: Defendants object to paragraph 7 as it contains a legal conclusion to which no response is required. To the extent a response is required, same is denied.

8. That at all times relevant hereto, the Defendants, J.W. EXPRESS, INC. and EDWARD D. SCHRODE, and each of them, breached the aforesaid duty in one or more of the following respects:

- a. Changed lanes when it was unsafe to do so;
- b. Changed lanes without activating his turn signal;
- c. Failed to keep a proper lookout for other vehicles on the roadway;
- d. Failed to keep their vehicle under control;
- e. Traveled at an excessive rate of speed;
- f. Traveled at a rate of speed that was too fast for weather and traffic conditions;
- g. Failed to adequately and properly maintain their vehicle in a safe condition;
- h. Were otherwise careless and negligent.

ANSWER: Denied.

9. That as a direct and proximate result of one or more of the foregoing wrongful acts or omissions of the Defendants, J.W. EXPRESS, INC. and EDWARD D. SCHRODE, the Plaintiff, JULIUS C. GARRETT, III, was then and there injured, both internally and externally and was caused to and did undergo great pain and discomfort, disfigurement and physical impairment, all of which injuries are permanent; and that he has been and will in the future be kept from attending to his ordinary affairs and duties, and has become liable for large sums of money for medical treatment.

ANSWER: Denied.

AFFIRMATIVE DEFENSES

Defendants, LGR TRUCKING, INC., Edward D. Schrode, and J.W. EXPRESS, INC., by counsel, assert the following affirmative defenses to plaintiff's amended complaint, in the alternative and without assuming the burden of proof for matters for which the burden is not imposed upon the responding party under law:

FIRST AFFIRMATIVE DEFENSE

1. Plaintiff filed an amended complaint alleging damages arising out of an occurrence which purportedly took place on February 14, 2020.
2. At the time of the occurrence, there was in full force and effect a certain statute known as III. Rev. Stat., Ch. 110, § 2-1116, said statute being effective as of November 25, 1986, which provides as follows:

In all actions on account of bodily injury, death or physical damage to property based on negligence, or product liability based on strict tort liability, the plaintiff shall be barred from recovering damages if the trier of fact finds that the contributory fault on the part of the plaintiff is more than fifty percent of the proximate cause of the injury or damage for which the recovery is sought. The plaintiff shall not be barred from recovering damages if the trier of fact finds that the contributory fault on the part of the plaintiff is not more than fifty percent of the proximate cause of the injury or damage to which recovery is sought, but any damages allowed shall be diminished in the proportion to the amount of fault attributable to the plaintiff.

(Emphasis added) (III. Rev. Stat., 1986; Ch. 110, § 2-1116.)

3. Plaintiff owed a duty to refrain from negligence at all times relevant and to take good and proper care for plaintiff's own safety.
4. Plaintiff's own careless and negligent conduct caused or contributed to cause the injuries, expenses, pecuniary losses and other damages for which plaintiff seeks compensation in this lawsuit.

5. On February 14, 2020, plaintiff was guilty of one or more of the following careless and negligent acts and/or omissions:

- a. Operated said motor vehicle in a careless, reckless, and negligent manner;
- b. Negligently, carelessly, and recklessly failed to maintain a proper lookout;
- c. Negligently, carelessly, and recklessly operated said motor vehicle at a speed which was greater than posted or reasonable under the circumstances;
- d. Negligently, carelessly and recklessly failed to stop motor vehicle when danger of a collision was imminent;
- e. Negligently, carelessly and recklessly failed to yield the right of way to defendants' or third-parties motor vehicle(s);
- f. Negligently, carelessly and recklessly failed to maintain a safe and reasonable distance from Defendants' or third-parties motor vehicle(s);
- g. Negligently, carelessly and recklessly followed too closely to Defendants' or third-parties motor vehicle(s);
- h. Negligently, carelessly and recklessly failed to apply the brakes of said motor vehicle in order to avoid collision;
- i. Was otherwise negligent and careless in the operation of said motor vehicle.

6. In the event that plaintiff was more than fifty percent (50%) at fault in causing the injuries, or that plaintiff's actions were the sole proximate cause of said accident, then plaintiff is barred from recovery.

SECOND AFFIRMATIVE DEFENSE

1. Plaintiff filed an amended complaint alleging damages arising out of an occurrence which purportedly took place on February 14, 2020.

2. At all times relevant hereto, there was in full force and effect a certain statute known as 735 ILCS 5/2-1117, which provides as follows:

Except as provided in § 2-1118, in actions on account of bodily injury or death or physical damage to property, based on negligence, or product liability based on strict tort liability, all defendants found liable are jointly and severally liable for plaintiffs past and future medical and medically related expenses. Any defendant whose fault, as determined by the trier of fact, is less than twenty-five percent of the total fault attributable to the plaintiff, the defendants sued by the plaintiff, and any third party defendant who could have been sued by the plaintiff, shall be severally liable for all of the damages. Any defendant whose fault, as determined by the trier of fact, is twenty-five percent or greater of the total fault attributable to the plaintiff, the defendants sued by the plaintiff and any third party defendants who could have been sued by the plaintiff, shall be jointly and severally liable for all other damages.

3. In the event that defendants are found liable for damages allegedly sustained by the plaintiff, and any fault on behalf of defendants constitutes less than twenty-five percent of the total fault attributable to the plaintiff, the defendants sued by the plaintiff, and any third-party defendant who could have been sued by the plaintiff, then defendants shall only be severally liable for certain damages, as set forth in the statute.

THIRD AFFIRMATIVE DEFENSE

1. Defendants had no control over the actions of plaintiff or other persons at the time of the occurrence.
2. Accordingly, to the extent that plaintiff's claimed injuries, if any, were caused in whole or in part by an intervening and/or superseding cause(s) unrelated to any acts or omissions of defendants, damages are barred.

FOURTH AFFIRMATIVE DEFENSE

1. Any amount paid by any third person or corporation because of any damage, loss or expense, or injury to plaintiff should be offset and/or credited against any judgment that might be rendered in favor of plaintiff and against defendants as partial satisfaction of plaintiff's damages.

2. Defendants respectfully pray that any judgment in favor of plaintiff be reduced in proportion to any amount paid by a third person or corporation as a result of the occurrence alleged in plaintiff's amended complaint, and that defendants be awarded their costs and such other relief as the Court may deem to be just and proper.

FIFTH AFFIRMATIVE DEFENSE

The accident, injuries, and damages alleged in the amended complaint were proximately caused by a person or persons other than defendants, over whom defendants exercised no control or right of control, or for whose act(s) or failure(s) to act defendants are not liable or responsible.

SIXTH AFFIRMATIVE DEFENSE

Any act(s) or omission(s) to act by defendants was/were not the proximate cause of this accident.

SEVENTH AFFIRMATIVE DEFENSE

Defendants did not own any duty(ies) to the plaintiff at the time and place mentioned in the amended complaint. If any duties are owed by defendants, they properly performed each and every duty owed.

EIGHTH AFFIRMATIVE DEFENSE

Defendants assert that LGR TRUCKING, INC. is simply a leasing company and J.W. EXPRESS, INC. was the appropriate motor carrier at the time and place mentioned in the amended complaint. As a result, J.W. EXPRESS, INC. and not LGR TRUCKING, INC. is the proper defendant such that LGR TRUCKING, INC. is an improper and mis-joined defendant pursuant to 735 ILCS 5/2-407 and should be dismissed.

RESERVATION OF RIGHTS

Defendants reserve the right to assert additional affirmative defenses that may become apparent during the course of this action.

WHEREFORE, defendants pray for judgment in their favor and against plaintiff, and for such other and further relief as this Court deems just and proper.

DEMAND FOR TRIAL BY JURY

Defendants, LGR TRUCKING, INC., Edward D. Schrode, and J.W. EXPRESS, INC., by counsel, respectfully demand that this case be tried by jury.

Respectfully submitted,

WHITTEN LAW OFFICE LLC

/s/Michael T. Terwilliger

Michael T. Terwilliger
Counsel for Defendants

Michael T. Terwilliger, ARDC#6244004
WHITTEN LAW OFFICE LLC
450 Vale Park Road
Valparaiso, Indiana 46385
(219) 531-6719 Telephone
(219) 531-6471 Facsimile
mterwilliger@indycounsel.com

CERTIFICATE OF SERVICE

I hereby certified that on July 6, 2022, I electronically filed the foregoing document with the Illinois Circuit Court for Cook County by using the Cook County File & Serve Illinois system. I certify that I have also served all counsel of record via E-mail on this date.

Steven M. Dicker, Esq.
DICKER DICKER & RUIZ
sdicker@dickerlaw.net

/s/Michael T. Terwilliger
Michael T. Terwilliger

FILED
7/11/2022 1:46 PM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2022L000397
Calendar, H
18617470

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

JULIUS C. GARRETT, III,)
Plaintiff,)
vs.)
LGR TRUCKING INC. and)
EDWARD D. SCHRODE,)
Defendants.)

No. 22 L 000397

NOTICE OF FILING

TO: **BY EMAIL**

Mr. Michael T. Terwilliger
Whitten Law Office LLC
450 Vale Park Road
Valparaiso, Indiana 46385

PLEASE TAKE NOTICE that on the 11th day of July, 2022, we filed with the Clerk of the Circuit Court of Cook County, Illinois the following **PLAINTIFF'S
RESPONSE TO REQUESTS FOR ADMISSION** in accordance with the Rules of the Circuit Court of Cook County, the Rules of the Supreme Court of Illinois and the Code of Civil Procedure of the State of Illinois a copy of which is attached hereto and served upon you.

Steven M. Dicker
STEVEN M. DICKER
Attorney for Plaintiff

DICKER DICKER & RUIZ-#52742
300 West Adams Street
Suite 330
Chicago, Illinois 60606
(312) 853-3485

STATE OF ILLINOIS)
)SS
COUNTY OF C O O K)

PROOF OF SERVICE

Under penalties as provided by Section 1-109 of the Illinois Code of Civil Procedure, I, STEVEN M. DICKER, state that I served the above notice by emailing a copy to the attorney listed above on the 11th day of July, 2022.

Steven M. Dicker
STEVEN M. DICKER

FILED
7/11/2022 1:46 PM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2022L000397
Calendar, H
18617470

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

JULIUS C. GARRETT, III.,)
Plaintiff,) No. 22 L 000397
vs.)
LGR TRUCKING INC. and)
EDWARD D. SCHRODE,)
Defendants.)

PLAINTIFF'S RESPONSE TO REQUESTS FOR ADMISSION

1. The total of all of Plaintiff's damages arising from the accident for which Plaintiff seeks compensation does not exceed \$75,000.00.

RESPONSE: Denies.

2. Plaintiff will not seek damages from the Defendants in excess of \$75,000.00 at the trial of this matter.

RESPONSE: Denies.



Steven M. Dicker
Attorney for Plaintiff

**DICKER DICKER & RUIZ #52742
300 West Adams Street
Suite 330
Chicago, Illinois 60606
(312) 853-3485**